

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
)	
UNITED STATES OF AMERICA)	
)	
v.)	CR. No. 05-cr-10115-JLT
)	
JOSE ORTIZ-PEREZ)	
_____)	

ASSENTED-TO MOTION TO CONTINUE TRIAL DATE

The defendant, Jose Ortiz-Perez, hereby moves to continue the trial date in his case, currently set for October 30, 2006, to mid-January 2007. As grounds therefor, counsel states that the defendant was held for much of the pretrial period in state custody and was unable to review the electronic discovery there, which includes tapes. Depending on this, and on the outcome of examination of state court convictions of the defendant, there is a significant possibility that the defendant will determine that entering a plea is preferable to trial, but counsel needs additional time to go over these materials with the defendant and for the defendant to come to a decision.

It is counsel's understanding from the government that, except possibly for co-defendants Brian Keenan and Wilfredo Torres, all other defendants either have changed their pleas or intend to do so. The case is thus significantly shorter than it would be with all defendants still in it. Counsel has spoken with the attorneys for Mr. Keenan and Mr. Torres, and they have no objection to this motion.

The government also assents to the motion.

Respectfully submitted,

/s David Duncan
David Duncan

(BBO #546121)
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October 3, 2006

Certificate of Service

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on the above date.

/s/ David Duncan